

## Message Text

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ORIGIN PM-04

INFO OCT-01 ERDA-05 ACDA-07 EUR-12 ISO-00 CIAE-00 DODE-00

H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 NEA-10 OES-06 NRC-05 /092 R

DRAFTED BY PM/NPO:JPMCGUINNESS:JMM

APPROVED BY PM/NPO:LVNOSENZO

ERDA - MR. SLAWSON

ERDA - MR. ROSENTHAL

ERDA - MR. HAEGIS

ACDA - MR. BORIGHT

EUR/RPE - MR. SWARTZ

L - MR. BETTAUER (SUBS)

C - MR. FUERTH

S/P - MR. KALICKI

NSC-MR. ELLIOTT

OASD- MR. LANDAUER

NEA- MR. PECK

OES - MR. JENKINS

SS - FVORTZ

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R 100301Z JUL 76

FM SECSTATE WASHDC

TO AMEMBASSY PARIS

INFO USMISSION IAEA VIENNA

S E C R E T STATE 171390

FOR SCI ATTACHE

E.O. 11652:GDS

TAGS:ENRG, PARM,TECH, IAEA

SUBJECT:PROPOSED DRAFT OF PHYSICAL PROTECTION CONVENTION

REF: (A) DE NAZELLE - NOSENZO/SALMON CONVERSATION APRIL 2,

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(B) PARIS 8063, (C) IAEA VIENNA 2004, (D) STATE 36745

1. FOLLOWING PRESENTATION OF U.S. DRAFT PHYSICAL PROTECTION CONVENTION BY US MISSION TO IAEA IN ACCORDANCE WITH REF D INSTRUCTIONS, FRENCH HAVE CONSISTENTLY DECLINED TO RESPOND IN INFORMAL MEETINGS HELD IN VIENNA, GOING SO FAR AS TO AVOID ATTENDANCE AT MARCH 12 MEETING (AS REPORTED REF C). INSTEAD, SOME PRELIMINARY FRENCH REACTIONS WERE REPORTED VIA REF B, ORIGINATING FROM FRENCH MFA, AND FURTHER COMMENTS WERE GLEANED IN COURSE OF REF A CONVERSATION ALONG WITH PROMISE BY DE NAZELLE TO REVIEW DRAFT CONVENTION AND CONVEY CONSIDERED RESPONSE TO U.S.

2. IN LINE WITH OBVIOUS FRENCH PREFERENCE FOR RESPONDING IN PARIS TO APPROACH AUTHORIZED IN IAEA VIENNA PER REF D, AND AS FOLLOW-UP TO APRIL 2 DISCUSSION, YOU ARE REQUESTED TO MAKE APPROACH TO DE NAZELLE (OR OTHER APPROPRIATE OFFICIAL) AND OBTAIN PROMISED FRENCH REPLY. THE FOLLOWING TALKING POINTS AND SUGGESTED QUESTIONS, DERIVED FROM REF D AND DISCUSSIONS AUTHORIZED BY REF D, ARE PROVIDED FOR USE

AT YOUR DISCRETION.

3. AT THE JUNE 3-4 MEETING IN LONDON, THE NUCLEAR SUPPLIERS ADOPTED A SET OF CRITERIA FOR LEVELS OF PHYSICAL PROTECTION PURSUANT TO PARAGRAPHS 3(A) AND 3(B) OF THE GUIDELINES FOR NUCLEAR TRANSFERS. WITH THE SUPPLIER EFFORT ON PHYSICAL PROTECTION COMPLETED, WE FEEL IT APPROPRIATE TO TAKE UP CONSIDERATION OF THE GENERAL PHYSICAL PROTECTION CONCEPT AGAIN.

4. ACCORDINGLY, WE ARE SEEKING ELABORATION OF GOF REACTIONS TO PROPOSED U.S. DRAFT PHYSICAL PROTECTION CONVENTION, WHICH CONSISTS OF SECTIONS ON:

-- PHYSICAL PROTECTION IN GENERAL BUT WITH EMPHASIS ON DOMESTIC MEASURES BASED ON RECOMMENDATIONS CONTAINED IN INFCIRC 225 (ARTICLE 3);

-- INTERNATIONAL TRANSIT ARRANGEMENTS AND RESPONSIBILITIES (ARTICLES 4,5,6);

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-- RECOVERY ACTIONS IN THE EVENT OF LOSS DURING INTERNATIONAL TRANSIT (ARTICLE 7);

-- DEFINITION OF OFFENSES AND EXTRADITION/PROSECUTION OF OFFENDERS (ARTICLE 8 THROUGH 17 INCLUSIVE).

5. GOF HAS PREVIOUSLY INDICATED THAT INTERNATIONAL

TRANSIT SHOULD BE PRIMARY SUBJECT DISCUSSED IN RELATION TO A POSSIBLE CONVENTION. IN THIS CONNECTION, DEPARTMENT WOULD LIKE TO HAVE GOF'S THOUGHTS REGARDING:

-- RECOVERY ARRANGEMENTS IN EVENT OF LOSS DURING TRANSIT AS LOGICAL ADJUNCT TO BE INCORPORATED INTO SAME CONVENTION;

-- SOME PROVISION FOR PROSECUTION OF PERPETRATORS OF ATTEMPTS AGAINST NUCLEAR MATERIALS IN INTERNATIONAL TRANSIT;

-- ANY REFERENCE TO INTERNATIONALLY ACCEPTED TECHNICAL RECOMMENDATIONS FOR NATIONAL PHYSICAL PROTECTION SYSTEMS, SUCH AS INFCIRC/225.

6. ASSUMING SOME PROSECUTION PROVISIONS WOULD BE DESIRABLE WHAT OBJECTIONS, IF ANY, WOULD GOF HAVE TO ARTICLE 8-17?

7. WHAT SUGGESTIONS REGARDING VENUE FOR NEGOTIATIONS DOES GOF HAVE? IS THERE ANY ROLE WHICH IAEA MIGHT PLAY WITH

RESPECT TO A PHYSICAL PROTECTION CONVENTION, SUCH AS FACILITATING EXCHANGE OF INFORMATION AND NOTIFICATION TO OTHER COUNTRIES IN CASE OF THEFT OR SABOTAGE? KISSINGER

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## Message Attributes

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